

TRANSIT OF MILITARY AIRCRAFT

Agreement signed at Washington April 1, 1941

Senate advice and consent to ratification April 3, 1941

Ratified by the President of the United States April 8, 1941

Ratified by Mexico April 15, 1941

Ratifications exchanged at Washington April 25, 1941

Entered into force April 25, 1941

Proclaimed by the President of the United States April 28, 1941

55 Stat. 1191; Treaty Series 971

AGREEMENT TO FACILITATE THE RECIPROCAL TRANSIT OF MILITARY AIRCRAFT

The Under Secretary of State of the United States of America, Sumner Welles, and the Ambassador Extraordinary and Plenipotentiary of Mexico, Dr. Francisco Castillo Nájera, the former appointed by the President of the United States, Franklin D. Roosevelt, and the latter by the President of Mexico, General Manuel Avila Camacho, after having communicated to each other their respective full powers, which were found to be in due and proper form, and following instructions from their Governments, declare: that both countries, the United States and Mexico, in view of the exceptional circumstances which have arisen from the present European conflict, and taking into consideration the necessity of ensuring conditions of maximum speed for the movements required in the defense of the American Continent in matters of aviation, and desirous of organizing a substantial and efficient collaboration by both countries in their task to defend the Americas, and with the highest regard for their juridical equality and respect for the sovereignty of both countries, have agreed to permit the reciprocal transit of military aircraft through their territories and territorial waters, pursuant to the following clauses:

FIRST. The mutual concessions which the High Contracting Parties grant each other under this Agreement, will be effective only for the duration of the present state of possible threats of armed aggression against either of them and, if so required, in the opinion of both Governments, by the needs of their mutual defense.

SECOND. In view of the resolutions of the Second Meeting of Ministers of Foreign Relations, held at Habana, the United States and Mexico will

grant free transit through their respective territories and territorial waters of military airplanes and seaplanes of the other country, without restrictions as to type, number, frequency of flights, personnel or material carried.

THIRD. Each Government agrees to give to the other, official notice, at least twenty-four hours in advance, of the departure from its territory of any such aircraft which it is desired shall fly over the territory of the other, and such notice shall specify the number and type of the aerial units, the flight routes, the land and sea airports on which the airplanes and seaplanes contemplate making regular landings, and the number of their crew and individuals carried.

FOURTH. The airplanes and seaplanes of each Government shall use only the routes previously determined by the other Government with regard to the flights over land and territorial waters of the latter. The Governments will also determine the regular landing places within their respective territorial boundaries.

The flights to which this Agreement refers, shall not be made until the routes and places referred to in the preceding paragraph shall have been designated.

FIFTH. Each Government assumes the obligation that none of its aircraft shall take more than 24 hours to transit the territory of the other, including the use of all land and sea airports within the latter's territory or territorial waters, except in case of *force majeure* when the stay may be prolonged for the time deemed necessary by the Government whose territory is being traversed.

SIXTH. Any military aircraft of one of the Contracting Parties, landing on any of the points designated for that purpose in the territory of the other Party, will have the right to be furnished only such fuel, food, provisions, etc., as the latter country may be willing to furnish according to its own legislation. But in no event shall an aircraft be denied fuel, food, provisions, supplies, etc., sufficient to enable it to reach the nearest source of supply within the jurisdiction of its own country.

SEVENTH. Each Government, within its own territory and by means of its own forces, shall protect the points designated on land or sea for the landing of aircraft. Should either Government be in need of material or equipment for this purpose which the other Government may be in a position to furnish, the matter shall form the subject of discussion and any material or equipment furnished shall be on such terms and conditions as may be agreed upon.

EIGHTH. Present conditions of possible threats of armed aggression against the American Continent will exist, in so far as the reciprocal concessions emanating from this Agreement are concerned, so long as the Governments of the United States and Mexico shall jointly deem them to exist; and it is expressly understood that the mere notification by one of the High

Contracting Parties to the other that it considers that the state of affairs that has brought about this Agreement has disappeared, will suffice for the complete termination of the concessions and obligations herein contained. Such notification may be given through the usual diplomatic channels, or direct by one Government to the other. Aircraft of either Party in transit at the time such unilateral notification is given shall have twenty-four hours within which to leave the territory of the other.

NINTH. This Agreement, when ratified by the Constitutional branch of each Government, will become effective as of the date of the exchange of ratifications, which shall take place in the city of Washington as soon as possible.

IN WITNESS WHEREOF, and with the powers hereinbefore stated, the Under Secretary of State of the United States of America and the Ambassador of Mexico, sign and cause their seals to be affixed to this Agreement, made in duplicate, in the English and Spanish languages, in the city of Washington, on the first day of April of the year nineteen hundred forty-one.

SUMNER WELLES [SEAL]
*Under Secretary of State
of the United States*

F. CASTILLO NÁJERA [SEAL]
Ambassador of Mexico